

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

CARLTON MICHAEL GARY,

Plaintiff

VS.

BRIAN OWENS, STEVE UPTON,  
GLENN JOHNSON, KEITH EUTSEY,

Defendants

NO. 5:10-CV-61 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

**RECOMMENDATION ON MOTION FOR PRELIMINARY  
INJUNCTION AND/OR TEMPORARY RESTRAINING ORDER**

Plaintiff **CARLTON MICHAEL GARY** has filed a motion asking the Court to grant him a preliminary injunction/temporary restraining order. Tab #4. He seeks a restoration of contact visitation privileges allegedly now being denied to him and others.

Injunctive relief will not issue unless the complained of conduct is imminent and no other relief or compensation is available. *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987). A temporary restraining order or a preliminary injunction is a drastic remedy used primarily for maintaining the status quo of the parties. *Cate v. Oldham*, 707 F.2d 1176, 1185 (11th Cir. 1983).

After a careful review of plaintiff's motions for injunctive relief in light of the requirements set forth in *Southern Monorail Co. v. Robbins & Myers*, 666 F.2d 185, 186 (11th Cir. 1982), it is the opinion of the undersigned that plaintiff has not met the prerequisites for the issuance of a temporary restraining order or preliminary injunction. Accordingly, **IT IS RECOMMENDED** that plaintiff's motions be **DENIED**.

Under 28 U.S.C. § 636(b)(1), plaintiff may serve and file written objections to this recommendation with the District Judge to whom this case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy of this order.

**SO RECOMMENDED**, this 3<sup>rd</sup> day of March, 2010.



CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE